

**State of Kansas**  
**Department of Health and Environment**  
**Notice of Hearing on Proposed Administrative Regulations**

The Kansas Department of Health and Environment (KDHE), Radiation Control Program, will conduct a public hearing at 10:00 a.m. on Wednesday, May 21<sup>st</sup>, 2025, in the Azure Conference Room, 4<sup>th</sup> Floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended regulations K.A.R. 28-35-189a, 28-35-221b, 28-35-264, 28-35-284, 28-35-354, 28-35-505, and 28-35-700.

A summary of the proposed regulations and estimated economic impact follows:

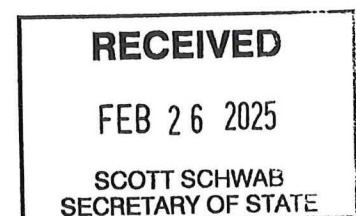
**Summary of Regulations:**

Updates to adopted regulations include the latest federal medical requirements, federal security requirements, and the latest appendix of values to be used for determining requirements for transportation. These updates are mostly corrections to addresses listed in adopted federal documents.

Instant reading dosimeters have been useful in certain applications. They allow authorized users of radioactive material to quickly determine their radiation dose in the field without waiting for their dosimeter to be mailed out of the state, read by a certified laboratory and the results to return. Current regulatory language would bar their use and is now being updated to match Nuclear Regulatory Commission language.

**Economic Impact:**

There are no estimated changes to aggregate state revenues or expenditures for the implementation of the proposed rules and regulations. There are no anticipated economic



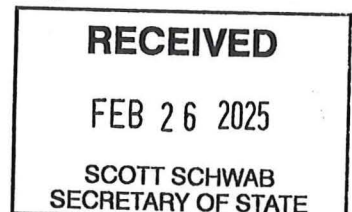
impacts resulting from the proposed regulations. There are no changes to revenues or costs to cities, counties, or school districts.

The time period between the publication of this notice and the scheduled public hearing constitutes a comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to David Lawrenz, Kansas Department of Health and Environment, Bureau of Community Health Systems, Radiation Control Program, 1000 SW Jackson St., Ste. 330, Topeka, KS 66612 or by email to david.lawrenz@ks.gov. Interested parties are encouraged to participate in the public hearing by submitting written comments.

During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. It is requested that each individual giving oral comments also provide a written copy of their comments for the record. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the Bureau of Community Health Systems, Radiation Control Program website at <https://www.kdhe.ks.gov/1009/Radiation-Right-To-Know> or by contacting David Lawrenz at david.lawrenz@ks.gov or 785-296-1637. Questions pertaining to the proposed regulations should be directed to David Lawrenz at the contact information above.

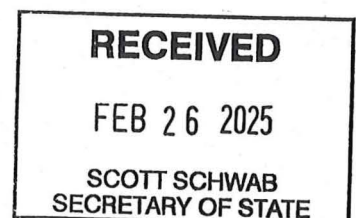
Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and the economic impact statement



**Proposed**

in an accessible format. Requests for accommodations to participate in the hearing should be made at least five working days in advance of the hearing by contacting David Lawrenz.

Janet Stanek  
Secretary



**28-35-189a. Advance notification of transport of nuclear waste.** (a) ~~Prior to~~ Before the transport of any nuclear waste outside the confines of the licensee's facility or any other place of use or storage, or ~~prior to~~ before the delivery of any nuclear waste to a carrier for transport, each licensee shall provide advance notification of ~~such~~ the transport to the governor; or the governor's designee; of each state through which the waste will be transported. For the purpose of this regulation, "nuclear waste" ~~means~~ shall mean any large quantity of source material, by-product material, or special nuclear material required to be in a type B ~~packaging~~ package while transported to, through, or across state boundaries to a disposal site, or to a collection point for transport to a disposal site.

(b) Each advance notification required by this regulation shall contain the following information:

(1) The name, address, and telephone number of the shipper, carrier, and receiver of the shipment;

(2) a description of the nuclear waste contained in the shipment as required by regulation of the U.S. department of transportation 49 ~~CFR~~ C.F.R. 172.202 and 172.203(d), as in effect ~~July 1, 1984~~ on January 26, 2023, which are hereby adopted by reference;

(3) the point of origin of the shipment and the seven-day period during which departure of the shipment is estimated to occur;

(4) the seven-day period during which arrival of the shipment at state boundaries is estimated to occur;

(5) the destination of the shipment; and the seven-day period during which arrival of the shipment is estimated to occur; and

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(6) a point of contact specified by the licensee with a telephone number for current shipment information.

(c) The notification required by this regulation shall be made in writing to the office of each appropriate governor or the governor's designee and to the Kansas department of health and environment. A notification delivered by mail shall be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger shall reach the office of each governor, or the governor's designee, at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for one year.

(d) The licensee shall notify each appropriate governor, or the governor's designee, and the Kansas department of health and environment of any changes to the schedule information provided pursuant to this regulation. ~~Such~~ The notification shall be by telephone to a responsible individual in the office of each appropriate governor, or to the governor's designee. The licensee shall maintain for one year a record of the name of the individual ~~contracted~~ contacted.

(e) Each licensee who cancels a nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor, or the governor's designee, of each appropriate state and to the Kansas department of health and environment. A copy of the notice shall be retained by the licensee for one year.

(f) ~~A list of the mailing addresses of each governor and each designee is available upon request from the director, office of state programs, U.S. nuclear regulatory commission,~~

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Washington, D.C. 20555 When making advanced notifications, each licensee shall use the current name and mailing address of each governor or governor's designee and each Indian tribal official or tribal official's designee that is available on a list provided by request from the director, division of materials safety, security, state, and tribal programs as specified in 10 C.F.R. 73.37(b)(2), as in effect on December 14, 2022, the title and address of which are hereby adopted by reference. (Authorized by and implementing K.S.A. 1984 Supp. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended P-\_\_\_\_\_.)

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**28-35-221b. Appendix A; determination of A<sub>1</sub>, A<sub>2</sub>, and B quantities.** The provisions of 10 C.F.R. part 71, appendix A, as in effect on ~~July 13, 2015~~ January 1, 2021, are hereby adopted by reference, with the changes specified in this regulation.

(a) Wherever the term “commission” appears within 10 C.F.R. part 71, appendix A, that term shall be replaced with the term “department.”

(b) In 10 C.F.R. part 71, appendix A, paragraph II(c) shall be replaced with the following text: “The licensee shall submit requests for prior approval, described under paragraphs II(a) and II(b) of this appendix, to the department.” (Authorized by and implementing K.S.A. 48-1607; effective Sept. 20, 1993; amended Oct. 17, 1994; amended May 4, 2018; amended

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**28-35-264. General requirements.** The provisions of 10 C.F.R. part 35, as in effect on ~~September 9, 2015~~ December 14, 2022, are hereby adopted by reference, with the changes specified in this regulation.

(a) For the purposes of part 6, “byproduct material” shall mean all radioactive material regulated by the department.

(b) All reports required by this regulation shall be submitted to the department.

(c) The following sections shall be deleted:

(1) 35.1, “purpose and scope”;

(2) 35.2, “definitions,” except that the definitions of the following terms shall be retained:

(A) “Authorized medical physicist”;

(B) “authorized nuclear pharmacist”;

(C) “authorized user”;

(D) “medical event”;

(E) “prescribed dose”; and

(F) “radiation safety officer”;

(3) 35.8, “information collection requirements: OMB approval”;

(4) 35.18, “license issuance”;

(5) 35.19, “specific exemptions”;

(6) 35.26(a)(1), “radiation protection program changes”;

(7) 35.4001, “violations”; and

(8) 35.4002, “criminal penalties.”

(d) Wherever the following C.F.R. references occur within 10 C.F.R. part 35, these

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references shall be replaced with the specified references to regulations and parts in

this article:

- (1) "10 CFR 19.12" shall be replaced with "K.A.R. 28-35-333, 'instructions to workers.' "
- (2) "10 CFR part 20" shall be replaced with "part 4, 'standards for protection against radiation.' "
- (3) "10 CFR 20.1101" shall be replaced with "K.A.R. 28-35-211d, 'radiation protection programs.' "
- (4) "10 CFR 20.1301(a)(1) and 20.1301(c)" shall be replaced with "K.A.R. 28-35-214a."
- (5) "10 CFR 20.1501" shall be replaced with "K.A.R. 28-35-217b, 'general monitoring requirements.' "
- (6) "10 CFR part 30" shall be replaced with "part 3, 'licensing of sources of radiation.' "
- (7) "10 CFR 32.72" shall be replaced with "K.A.R. 28-35-181m, 'specific licenses to ~~manufacture and~~ manufacture, prepare, or distribute radiopharmaceuticals containing radioactive material for medical use ~~under group licenses~~' and K.A.R. 28-35-181n, 'specific licenses to manufacture and distribute generators or reagent kits for preparation of radiopharmaceuticals containing radioactive material.' "
- (8) "10 CFR 32.74" shall be replaced with "K.A.R. 28-35-181o, 'specific licenses to manufacture and distribute sources and devices for use as a calibration, transmission, or reference source or for certain medical uses.' "
- (9) "10 CFR 33.13" shall be replaced with "K.A.R. 28-35-182b, 'qualifications for a type

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A specific license of broad scope.’ ”

(e) Wherever the following terms occur within 10 C.F.R. part 35, these terms shall be replaced with “department”:

- (1) “Commission”;
- (2) “NRC operation center”; and
- (3) “NRC regional office.”

(f) The following changes shall be made to the sections specified:

(1) 35.6(b)(1) and (c)(1) shall be replaced with the following text: “Obtain review and approval of the research as specified in 45 CFR C.F.R. 46.111, ‘criteria for IRB approval of research’; and”.

(2) 35.6(b)(2) and (c)(2) shall be replaced with the following text: “Obtain informed consent from the human research subject as specified in 45 CFR C.F.R. 46.116, ‘general requirements for informed consent.’ ”

(3) 35.10, subsection (a) 35.10(a) shall be deleted.

(4) In 35.10(d), the date “October 24, 2002” shall be replaced with “the effective date of these regulations.”

(5) 35.12(b)(1) shall be replaced with the following text: “submitting a form specified by the department that includes the facility diagram, equipment, and training and experience qualifications of the radiation safety officer, authorized users, authorized physicists, and authorized pharmacists.”

(6) 35.12(c)(1)(i) shall be replaced with the following text: “a form specified by the

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department that includes the facility diagram, equipment, and training and experience qualifications of the radiation safety officer, authorized users, authorized physicists, and authorized pharmacists.”

(7) In 35.57(a)(1) and (b)(1), the date “~~October 24, 2002~~” “January 14, 2019” shall be replaced with “the effective date of these regulations.”

(8) In 35.57(a)(2) and (b)(2), the date “~~April 29, 2005~~” shall be replaced with “the effective date of these regulations.”

(9) (8) In 35.432(a), the date “October 24, 2002” shall be replaced with “the effective date of these regulations.”

(10) (9) In 35.3045, the footnote shall be deleted, and in subsection (a) paragraph (a)(1) the words “or any radiation-producing device” shall be added before the words “results in.”

(11) (10) 35.3047(d) shall be replaced with the following text: “The licensee shall submit a written report to the department within 15 days after discovery of a dose to the embryo or fetus, or nursing child that requires a report in paragraphs (a) or (b) in this section.”

(12) (11) In 35.3067, the phrase “with the department” shall be inserted after the word “report” in the first sentence, and the second sentence shall be deleted. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended March 18, 2011; amended May 4, 2018; amended P-\_\_\_\_\_.)

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**28-35-284. Personnel monitoring.** (a) The licensee or registrant shall not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears on the trunk of the body a personnel-monitoring device (PMD) as specified in K.A.R. 28-35-217a, a direct reading dosimeter, and an alarming ratemeter. At permanent radiographic installations where other appropriate alarming or warning devices are in routine use and during radiographic operations using radiation machines, the use of an alarming ratemeter shall not be required.

(1) Each pocket ion-chamber dosimeter shall have a range from zero to 200 mrem and shall be recharged at the start of each work shift. Electronic personal dosimeters may be used in place of only pocket ion-chamber dosimeters.

(2) Each PMD shall be assigned to and worn by only one individual.

(3) Each PMD that requires replacement shall be ~~exchanged~~ replaced at least monthly.

(4) After replacement, each PMD shall be returned to the supplier for processing within 14 calendar days after the end of the monitoring period, or as soon as practicable. In circumstances that make it impossible to return each PMD within 14 calendar days, these circumstances shall be documented in writing and available for review by the department.

(b) Direct reading dosimeters, including pocket ion-chamber dosimeters and electronic personal dosimeters, shall be read and the exposures shall be recorded at the beginning and end of each work shift; and records shall be maintained for ~~two~~ three years.

(c) All pocket ion-chamber dosimeters and electronic personal dosimeters shall be checked at least each 12 months for the proper response to and the accurate measurement of radiation; and records shall be maintained for ~~two~~ three years. An acceptable reading on

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each dosimeter shall be within plus or minus 30 percent of the true radiation exposure.

(d) If an individual's pocket ion-chamber dosimeter is found to be off-scale or if an electronic personal dosimeter reads greater than 200 mrem, and the possibility of radiation exposure cannot be ruled out as the cause, the individual's PMD that requires processing shall be sent for processing and evaluation within 24 hours. For personnel dosimeters that do not require processing, evaluation of the dosimeter shall be started within 24 hours. In addition, the individual shall not resume any work associated with the use of sources of radiation until a determination of the amount of that individual's radiation exposure is made. This determination shall be made by the radiation safety officer or the radiation safety officer's designee. The results of this determination shall be included in the records required in subsection (g).

(e) If an individual's PMD is lost or damaged, the individual shall cease work immediately until a replacement PMD is provided and the exposure is calculated for the time period from issuance to loss or damage of the PMD. The results of the calculated exposure and the time period during which the PMD was lost or damaged shall be included in the records required in subsection (g).

(f) Each licensee or registrant shall ensure that each alarming ratemeter meets the following requirements:

(1) The alarming ratemeter is checked to ensure that the alarm functions properly before using at the start of each shift; .

(2) The alarming ratemeter is set to give an alarm signal at a preset dose rate of 500 mrem per hour, with an accuracy of plus or minus 20 percent of the true radiation dose rate; .

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(3) The alarming ratemeter requires a special means to change the preset alarm function;  
and .

(4) The alarming ratemeter is calibrated at least each 12 months for the accurate  
measurement of radiation.

~~(g) Records of personnel monitoring procedures.~~ Each licensee or registrant shall  
maintain the following exposure records:

(1) Direct reading dosimeter readings and yearly operability checks for ~~two~~ three years  
after the record is made;

(2) ~~records of~~ alarm ratemeter calibrations for ~~two~~ three years after the record is made;

(3) PMD results ~~received from the accredited NVLAP processor~~ until the  
department terminates the license; and

(4) ~~records of~~ exposure estimates as a result of any direct reading dosimeter that reads  
off-scale or any lost or damaged personnel-monitoring equipment; until the department  
terminates the license. (Authorized by and implementing K.S.A. 48-1607; effective Jan. 1, 1970;  
amended Jan. 1, 1972; amended, T-85-43, Dec. 19, 1984; amended May 1, 1985; amended Sept.  
20, 1993; amended Dec. 30, 2005; amended P-\_\_\_\_\_.)

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**28-35-354. Personnel monitoring.** (a) The A licensee or registrant shall not permit any individual to act as a logging supervisor or to assist in the handling of sources of radiation unless each individual wears a personnel-monitoring device (PMD) as specified in K.A.R. 28-35-217a. Each PMD shall be assigned to and worn by only one individual. Film badges shall be replaced at least monthly, and other personnel-monitoring devices that require replacement shall be replaced at least quarterly. ~~After replacement, each film badge or PMD shall be promptly processed~~ All personnel dosimeters shall be evaluated at least quarterly or promptly after replacement, whichever is more frequent.

(b) Each licensee shall provide bioassay services to individuals using licensed ~~materials~~ or registered material in subsurface tracer studies if required by the license.

(c) Personnel monitoring and bioassay results records shall be maintained for inspection until the secretary authorizes the disposition of these records. (Authorized by and implementing K.S.A. 48-1607; effective Sept. 20, 1993; amended Dec. 30, 2005; amended P-\_\_\_\_\_.)

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**28-35-505. Quality assurance requirements.** The provisions of 10 C.F.R. part 71, subpart H, dated ~~January 1, 2019~~ as in effect on January 1, 2020, are hereby adopted by reference, with the changes specified in this regulation.

(a) The following sections shall be deleted:

(1) 71.101(c)(2), (d), and (e);

(2) 71.107;

(3) 71.109;

(4) 71.111;

(5) 71.113;

(6) 71.115;

(7) 71.117;

(8) 71.119;

(9) 71.121;

(10) 71.123; and

(11) 71.125.

(b) The changes specified in this subsection shall be made wherever the following text occurs within the portions of 10 C.F.R. part 71 adopted in this regulation:

(1) "ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards" shall be replaced with "the department."

(2) "NRC Form 3" shall be replaced with "department form RH-3."

(3) "Subpart H of this part" and "§§71.010 through 71.137" shall be replaced with "K.A.R. 28-35-505."

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(4) "This chapter" shall be replaced with "10 C.F.R."

(c) Wherever the following terms occur within the portions of 10 C.F.R. part 71 adopted in this regulation, these terms shall be replaced with "department":

(1) "Administrator of the appropriate Regional Office";

(2) "commission";

(3) "NRC";

(4) "Nuclear Regulatory Commission"; and

(5) "United States Nuclear Regulatory Commission."

(d) The following changes shall be made to the sections specified:

(1) In 10 C.F.R. 71.101(a), the following sentence shall be deleted: "Each certificate holder and applicant for a package approval is responsible for satisfying the quality assurance requirements that apply to design, fabrication, testing, and modification of packaging subject to this subpart."

(2) In 10 C.F.R. 71.101(f), the sentence "The licensee, certificate holder, and applicant for a CoC shall identify the program by date of submittal to the Commission, Docket Number, and date of Commission approval" and the phrase "in accordance with §71.1" shall be deleted.

(3) 10 C.F.R. 71.101(g) shall be replaced by the following text:

"Each program for transport container inspection and maintenance that is limited to radiographic exposure devices, source changers, or any package transporting these devices or changers and that meets the requirements of K.A.R. 28-35-282a or equivalent NRC or agreement state requirements shall be deemed to meet the requirement specified in K.A.R. 28-

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35-500(b).”

(e) The terms “certificate of compliance,” “certificate holder,” and “applicant” shall apply to the NRC as the sole authority for issuing a package certificate of compliance.

(f) Each submittal required by this regulation shall be submitted to the department, with the exception of a certificate of compliance. (Authorized by and implementing K.S.A. 48-1607; effective Dec. 30, 2005; amended April 1, 2022; amended P-\_\_\_\_\_.)

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**28-35-700. General requirements.** The provisions of 10 C.F.R. part 37, ~~dated January 1, 2019~~ as in effect on January 1, 2022, are hereby adopted by reference, with the changes specified in this regulation.

(a) The following sections or portions of sections in 10 C.F.R. part 37 shall be deleted:

- (1) 37.1;
- (2) 37.3;
- (3) 37.7;
- (4) 37.9;
- (5) 37.11(a) and (b);
- (6) 37.13;
- (7) in 37.81(g), the third sentence;
- (8) 37.105;
- (9) 37.107; and
- (10) 37.109.

(b) In 10 C.F.R. 37.5, the following terms and the definition of each of these terms shall be deleted:

- (1) "Act";
- (2) "agreement state";
- (3) "becquerel";
- (4) "byproduct material";
- (5) "commission";
- (6) "curie";

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- (7) "government agency";
- (8) "license";
- (9) "lost or missing licensed material";
- (10) "person";
- (11) "state"; and
- (12) "United States."

(c) Wherever the following terms and phrases occur within the portions of 10 C.F.R. part 37 adopted in this regulation, these terms and phrases shall be replaced with "department":

- (1) "Appropriate NRC regional office listed in §30.6(a)(2) of this chapter";
- (2) "commission," except secs. 37.5, 37.27(a) and (c), 37.29(a), and 37.71;
- (3) "NRC," except secs. 37.25(c), 37.27(c), 37.29(a), and 37.71;
- (4) "NRC regional office specified in §30.6 of this chapter";
- (5) "NRC's Operations Center"; and
- (6) "NRC's Operations Center (301-816-5100)."

(d) The following changes shall be made wherever the following text occurs within the portions of 10 C.F.R. part 37 adopted in this regulation:

- (1) "Part 73 of this chapter" shall be replaced with "10 C.F.R. Part 73."
- (2) "71.97(b) of this chapter" and "71.97 of this chapter" shall be replaced with "K.A.R. 28-35-504(b)."
- (3) "Governor's designee" shall be replaced with "division of emergency management of the office of the adjutant general." (Authorized by and implementing K.S.A. 48-1607; effective

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**Kansas Administrative Regulations  
Economic Impact Statement (EIS)**

**Proposed**

Kansas Department of Health and Environment  
Agency

Aaron Short  
Agency Contact

785-296-1560  
Contact Phone Number

28-35-189a, 28-35-221b, 28-35-264, 28-35-284, 28-35-354, 28-35-505, 28-35-700

Permanent     Temporary

K.A.R. Number(s)

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes    If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

**Section I**

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

Pursuant to K.S.A. 48-1601 et seq., the State of Kansas entered into an agreement with the Nuclear Regulatory Commission (NRC) in 1965 to regulate radioactive materials under the provisions of the federal Atomic Energy Act. Kansas has operated as an agreement state since that time. The regulated community in Kansas includes over 260 licensees across a variety of fields, including hospitals, refineries, manufacturing, oil and gas industry and research. K.S.A. 48-1601 requires that the state provide for compatibility with the standards and regulatory programs of the federal government.

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This regulation package includes minor corrections to areas of non-compatibility identified by the NRC in current regulations and brings Kansas into compatibility with federal requirements for medical use of radioisotopes. In this package, adopted documents are updated and instant-reading dosimeters are allowed.

Updates to adopted documents include the latest federal medical requirements, federal security requirements, and the latest appendix of values to be used for determining requirements for transportation. These updates are mostly corrections to addresses listed in adopted federal documents.

Instant reading dosimeters have been useful in certain applications. They allow authorized users of radioactive material to quickly determine their radiation dose in the field without waiting for their dosimeter to be mailed out of the state, read by a certified laboratory and the results to return. Current regulatory language would bar their use and is now being updated to match Nuclear Regulatory Commission language.

The Kansas Department of Health and Environment (“KDHE”) does not anticipate any implementation or recurring costs to state and local governments or stakeholders as a result of the proposed regulations. The benefits, while not quantifiable, will result in compliance with NRC requirements.

The proposed regulations follow the same approach to address this policy issue as Oklahoma, Nebraska, and Colorado as all are part of the NRC Agreement State Program. Missouri does not participate in the Agreement State Program and as such, the NRC regulates radioactive materials in Missouri under the same standard. All states in the Agreement State Program must be compatible with NRC regulations within three years.

## Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

The proposed changes to regulations are mandated by an agreement between the State of Kansas and the Nuclear Regulatory Commission in order to maintain the authority of the State of Kansas, through KDHE, to regulate radioactive materials within its borders. State law (K.S.A. 48-1601 (b)(1)) also requires KDHE to adopt regulations to maintain compatibility with the federal government.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth.

The proposed changes to regulations are expected to have a nonimpact on business activities and growth.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole.

KDHE anticipates no economic effect resulting from the proposed regulation changes.

28-35-189 updated NRC mailing address

28-35-221b changes quantity of Sm147 to correct an error, not an isotope used in Kansas at this time nor expected in the future.

28-35-264 provides options for identification of personnel involved in over exposures.

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28-35-284 increases record retention of dosimetry reports from 2 years to 3 years. Dosimetry companies are required to provide dosimetry reports for the life of an individual, no increased cost for licensees. This is a service already provided with dosimetry online accounts.

28-35-354 specified dosimetry evaluation to follow replacement at frequency of replacement, evaluation is included in dosimetry contract prices, no change on licensee.

28-35-505 updated NRC contact

28-35-700 updated agency contacts for NRC, added specifics required by federal government for unescorted access to 10 CFR 37 Category 1 and 2 materials.

C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Businesses that would be directed affected include Kansas medical licensees consisting of primarily of hospitals utilizing radiation therapy and diagnostic uses..

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

KDHE does not anticipate any pecuniary benefits or costs related to the proposed changes to regulations.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals.

Rules are required for per Kansas Agreement with NRC

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

**Total Annual Costs – \$0**  
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Regulations do not require any new specific actions to be taken by any licensee.

- Yes      If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

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There are no estimated changes to aggregate state revenues or expenditures for the implementation of proposed rules and regulations.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

KDHE does not anticipate any immediate or long-range economic impacts resulting from the proposed regulations

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed amended regulations do not change revenues to cities, counties or school districts nor impose functions more responsibility that increase expenditures. When the notice of hearing for these regulations is published in the Kansas Register, the standard agency procedure will be followed, and the three organizations will be contacted electronically for comment with attached copies of the regulations, economic impact statements and published notice of hearing.

[Click here to enter agency response.](#)

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

The Agency posted an Information Notice (IN) on the KDHE Radiation Control website, with information about the proposed regulation. The IN referenced the KDHE regulation contact person and phone number for comments and there will be a notification of the public hearing. The agency also sent out an email to all radioactive material licensees regarding the proposed regulations changes with the same information. To date, KDHE has received no comments, questions, or concerns from any licensees over the proposed regulations.

## Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

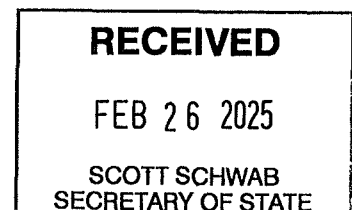
- Yes If yes, complete the remainder of Section IV.  
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.

[Click here to enter agency response.](#)



# Proposed

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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